On page 42, delete Table 2, and substitute therefor:

TABLE 2: Effect of Oncolytic Virus on Cancerous and Non-cancerous Cells

Cell Line	Origin	Culture Conditions		Uninfected cell Lysis	Lysis by Ad-phTERT-E1dIE3	Lysis by Ad-CMV-E1dIE3
BJ	foreskin fibroblast	90% DMEM/M199 + 10% FBS	Fig. 4 (A)	NO	NO	YES
IMR	lung fibroblast	90% DMEM/M199 + 10% FBS	Fig. 4 (A)	NO	NO	YES
WI-38	lung fibroblast	90% DMEM/M199 + 10% FBS + 5 µg mL gentamicin	Fig. 4 (A)	NO	NO	YES
A549	lung carcinoma	90% RPMI + 10% FBS	—	NO	YES	YES
AsPC-1	adenocarcinoma, pancreas	90% RPMI + 10% FBS	—	NO	YES	YES
BxPC-3	adenocarcinoma, pancreas	90% EMEM + 10% FBS	—	NO	YES	YES
DAOY	medulloblastoma	90% EMEM + 10% FBS	Fig. 4 (B)	NO	YES	YES
HeLa:	cervical carcinoma	90% EMEM + 10% FBS	Fig. 4 (B)	NO	YES	YES
HT1080	fibrosarcoma	90% EMEM + 10% FBS	Fig. 4 (B)	NO	YES	YES

In the CLAIMS:

Please cancel claims 1-26 without prejudice.

Please insert the following new claims:

27. A recombinant virus having a genome in which a promoter polynucleotide is operably linked to a genetic element essential for replication or assembly of the virus, wherein the promoter polynucleotide preferentially promotes transcription of the genetic element in cells expressing telomerase reverse transcriptase (TERT), thereby promoting replication of the virus, and wherein replication of the virus in a cell leads to lysis of the cell.

28. The recombinant virus of claim 27, which is a replication-conditional adenovirus.

29. The recombinant virus of claim 27, which is a replication-conditional herpes virus.

30. The recombinant adenovirus of claim 28, wherein the genetic element essential for replication is an adenovirus E1a region.

31. The recombinant virus of claim 27, further comprising an encoding region whose expression is toxic to the cell, or which renders the cell more susceptible to toxic effects of a drug.

32. The recombinant virus of claim 31, wherein the encoding region encodes thymidine kinase, and the drug is ganciclovir.

33. The recombinant virus of claim 27, wherein the promoter polynucleotide is a promoter for telomerase reverse transcriptase.

34. The recombinant virus of claim 33, wherein the promoter polynucleotide is a human telomerase reverse transcriptase (hTERT) promoter.

35. The recombinant virus of claim 27, wherein the promoter polynucleotide comprises a binding site for a transcription regulatory element.

36. The recombinant virus of claim 27, wherein the promoter polynucleotide has one or more of the following features:

a) it comprises the sequence from position –117 to position –36 relative to the translation initiation site (position 13545) of SEQ. ID NO:1;

b) it comprises the sequence from position –239 to position –36 relative to the translation initiation site (position 13545) of SEQ. ID NO:1;

c) it comprises the sequence from position –117 to position +1 relative to the translation initiation site (position 13545) of SEQ. ID NO:1;

d) it comprises the sequence from position –239 to position +1 relative to the translation initiation site (position 13545) of SEQ. ID NO:1; or

e) it hybridizes with a polynucleotide complementary to a sequence having feature a), b), c), or d) under stringent conditions, and has the characteristic of preferentially promoting transcription in cells expressing TERT.

37. The recombinant virus of claim 27, wherein the promoter polynucleotide has one or more of the following features:

a) it comprises a sequence of at least about 100 consecutive nucleotides in SEQ. ID NO:1;

b) it comprises a sequence of at least about 500 consecutive nucleotides in SEQ. ID NO:1;

c) it comprises a sequence of at least about 100 consecutive nucleotides in SEQ. ID NO:2;

d) it comprises a sequence of at least about 500 consecutive nucleotides in SEQ. ID NO:2; or

e) it hybridizes with a polynucleotide complementary to a sequence having feature a), b), c) or d) under stringent conditions, and has the characteristic of preferentially promoting transcription in cells expressing TERT.

38. The recombinant virus of claim 27, wherein the promoter polynucleotide in the viral genome that preferentially promotes transcription in cells expressing TERT contains no more than 82 consecutive nucleotides.

39. A method for selecting a virus having characteristics of a recombinant virus according to claim 1, comprising providing a recombinant virus in which a promoter polynucleotide is operably linked to a genetic element required for replication of the virus, using the virus to infect one or more cells expressing TERT and one or more cells not expressing TERT, and selecting the virus if it preferentially kills the cells expressing TERT.

40. A method for producing a recombinant virus according to claim 27, comprising transfecting a cell expressing TERT with: i) a plasmid in which the promoter polynucleotide is operably linked to the genetic element essential for replication or assembly of the virus; and ii) a DNA fragment containing other genetic elements essential for replication or assembly of the virus; and then propagating virus obtained from the cell.

41. A method of regulating replication of a recombinant virus according to claim 1, comprising modulating a transcriptional regulatory element within the promoter of the virus at a time that the virus is replicating inside a host cell.